

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging acceptance of the drawings filed with the present application on October 30, 2003, and for acknowledging consideration of each of the documents listed on the Form PTO-1449 submitted with the Information Disclosure Statement filed on January 7, 2004.

Applicants would like to thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, as well as receipt of the documents upon which the claim for foreign priority is based.

In the outstanding Office Action, claims 1-2 and 6-8 were rejected under 35 U.S.C. §102(b) over DAVIS et al. (U.S. Patent No. 5,491,720). Claims 3-5 and 9-10 were objected-to as being dependent upon a rejected base claim, but were otherwise indicated to be allowable if rewritten into independent form to include all of the limitations of base and intervening claims.

Upon entry of the present amendment, claims 1-10 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein, and claims 11-21 will have been added for consideration. The cancellation of claims 1-10 should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, claims 1-10 have been cancelled and claims 11-21 have been added to advance prosecution and obtain early allowance of claims.

The rejection of claims 1-2 and 6-8 and objection to claims 3-7 and 9-10 renders the outstanding rejection and objection moot. Nevertheless, Applicants traverse the rejection of claims 1-2 and 6-8 insofar as any of claims 11-21 recite features similar to the features previously recited in claims 1-2 and 6-8.

According to the invention to which independent claims 11, 18 and 21 are directed, a voice packet is exchanged via an internet protocol (IP) network. In contrast, DAVIS is directed to features of the conventional PSTN network, including use of TDMA. That is, DAVIS is not directed to a packet-switching network or exchanging packets, let alone the features relating to exchanging a voice packet via the internet protocol network recited in claims 11, 18 and 21.

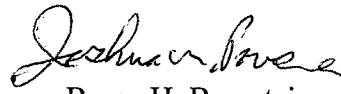
Further, according to the invention to which independent claims 11 and 18 are directed, the voice packet includes non-voice data. Including non-voice data in a voice packet is also not disclosed in DAVIS, particularly inasmuch as DAVIS is not directed to a packet-switching network or exchanging packets via an internet protocol network.

As described above, DAVIS does not disclose each and every feature of the pending independent claims, as would be required for claims to be properly rejected under 35 U.S.C. §102 over DAVIS. Accordingly, each of claims 11, 18 and 21 is allowable over DAVIS for at least the reasons set forth above, and each of claims 12-17, 19-20 and 22 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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